(3)

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL BENCH

AT RAIPUR CHHATTISGARH

CDP(S)/4448/05

Original Application No. _____/2001

1. Rajendra Kumar Prajapati,
Son of Shri Chunni Lal Prajapati,
Age 33 years, Assistant Teacher,
Posted at Boys Primary School Pharadphod,
District Durg (C.G.)

2. Manharan Lal Sahu,
Son of Shri Jhadu Ram Sahu,
Age 40 years, Assistant Teacher,
Posted at Primary School Auri,
District Durg (C.G.)

3. Bisheshar Arya,
Son of Shri Ramhu Ram Arya,
Age 35 years, Assistant Teacher,
Posted at Middle School Choba Nawagaon,
District Durg (C.G.)

4. Smt. Satrupa Vasnik,
Wife of Shri Dhan Singh Vasnik,
Age years, Assistant Teacher,
Primary School Sirrabhatha,
District Durg (C.G.)

5. Hem Lal Sahu,
Son of Shri Jhadu Ram Sahu,
Age 37 years, Assistant Teacher,
Posted at Primary School Boirdih,
District Durg (C.G.)

6. Smt. Geeta Sahu,
Wife of Shri Paras Ram Sahu,
Age 37 years, Assistant Teacher,
Posted at Primary School Jewartala,
District Durg (C.G.)

7. Tilak Ram Thakur,
Wife of Shri Sampat Ram Thakur,
Age 39 years, Assistant Teacher,
Posted at Primary School Kanyadabari,
District Durg (C.G.)

8. Budh Singh Dewangan,
Son of Shri M.L.Dewangan,
Age 41 years, Lecturer,
Posted at Govt. Higher Secondary
School Tatenga, District Durg (C.G.)

9. Rishi Kumar Bhuarya,
Son of Shri Sanwant Ram Bhuarya,
Age 38 years, Assistant Teacher,
Posted Middle School Tatenga,
Districdt Durg (C.G.)

10. Smt. Nidhi Dwivedi,
Wife of Shri Amit Gupta,
Age 36 years, Lecturer,
Govt. Higher Secondary School,
Camp-1, Bhilai, District Durg (C.G.)

11. Bhushan Lal Thakur,
Son of Late Shri K.S.Thakur,
Age 39 years, Assistant Teacher,
Primary School Murhiya, Dist. Durg.

12. Bharat Lal Thakur,
Son of Shri Raruwa Ram Thakur,
Age 36 years, Assistant Teacher,
Posted at Primary School, Bharda,
District Durg (C.G.)

13. Deenbandhu Bharti,
Son of Duwan Das Bharti,
Age 35 years, Assistahh Teacher,
Posted at Primary School Koliyara,
District Durg (C.G.)

.. .. .. Applicants

Versus

1. State of Chhattisgarh,
Through Secretary,
School Education Department,
Mantralaya, D.K.S.Bhawan,
Raipur, Chhattisgarh.

2. Director,
Public Instruction,Pension Bada,
Raipur, Chhattisgarh.

3. District Education Officer,
District Durg (C.G.)

.. .. Non-Applicants

APPLICATION UNDER SECTION 19 OF STATE ADMINISTRATIVE TRIBUNAL ACT 1985

1. PARTICULAR OF THE APPLICANTS:

As stated above in the cause title.

(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4130 OF 2005

Petitioner : Gopesh Kumar Verma

versus

Respondents : The State Govt. of Chhattisgarh and another

WRIT PETITION (S.) NO.4517 OF 2005

Petitioner : Ramanuj Prasad Shrivas

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4677 OF 2005

Petitioners : Basant Raj Yadav and another

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4705 OF 2005

Petitioners : Vijay Narayan Shrivastava and another

versus

Respondents : State of Chhattisgarh and others

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WRIT PETITION (S.) NO.4408 OF 2005

Petitioners : Domar Singh Gurupanch and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4409 OF 2005

Petitioners : Shyam Singh and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4448 OF 2005

Petitioners : Rajendra Kumar Prajapati and others

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4490 OF 2005

Petitioners : Manoj Kumar Madhariya and another

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4443 OF 2005

Petitioner : Chunni Lal Sharma

versus

Respondents : The State Govt. of Chhattisgarh and another

(21)

WRIT PETITION (S.) NO.4444 OF 2005

Petitioner : Kanahayalal Hirwani

versus

Respondents : The State Govt. of Chhattisgarh and another

WRIT PETITION (S.) NO.4230 OF 2005

Petitioner : Smt. Bedbai Thakur

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4231 OF 2005

Petitioner : Rammilan Sinha

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4233 OF 2005

Petitioner : Raj Kumar Ramteke

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4235 OF 2005

Petitioner : Krishna Ram Thakur

versus

Respondents : State of Chhattisgarh and others

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WRIT PETITION (S.) NO.4236 OF 2005

Petitioner : Bhikham Singh Sinha

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.4074 OF 2005

Petitioners : Dinesh Kumar Nag and others

versus

Respondents : State of Chhattisgarh and another

Present : Mr. Ajay Shrivastava, Mr. Anupam Dubey, Mr. Rakesh Anthony and Mr. Kunal Das, counsel for the petitioner(s).

Mr. V.V.S.Moorthy, Deputy Advocate General with Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on 15th Day of December, 2006)

The petitioners are working as Lecturer/Head Master/ Head Mistress/Upper Division Teacher/Assistant Teacher in Government Schools/School Education Department. In the course of their services as Lecturer/Head Master/Head Mistress/Upper Division Teacher/Assistant Teacher, the petitioners have obtained B.Ed./B.T.I./D.Ed. Certificates at their own expenses before 1-3-1999.

2. Learned counsel appearing for the petitioners submit that the 'Basic Training Institute' (B.T.I.) Certificate has been renamed by the order of the State Government as 'Diploma in Education' (D.Ed.)

Certificate. The petitioners, who have obtained D.Ed. Certificate prior to 1-3-1999, are entitled to the same relief as is granted to the candidates who had obtained B.Ed./B.T.I. Certificates on their own expenses as per the circulars dated 24-12-1998 and 1-3-1999.

3. Learned Deputy Advocate General appearing for the State/respondents submits that in the light of the letter dated 12-12-2006, sent by the Director, Public Instructions, Chhattisgarh, Raipur to Deputy Advocate General, Office of Advocate General, Bilaspur, annexing memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Learned Deputy Advocate General also referred the circular dated 24-12-1998, issued by the School Education Department, Government of Madhya Pradesh, Bhopal, allowing two increments to the Teachers, who have obtained B.Ed./M.Ed./B.T.I. Certificates.

4. The present batch of writ petitions are being disposed of by this common order as the facts and question of law involved in these petitions are common.

5. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of ***Yashwant Kumar Bharadwaj*** **vs.** ***Municipal Corporation, Durg and another***[1], wherein it has been held that the Teachers, having obtained B.Ed., M.Ed., B.T.I. Certificates, at

their own expenses, are covered by the circular dated 24-12-1998 issued by the State Government of Madhya Pradesh.

6. Further, in the matter of ***Smt. Manorama Shrivastava*** **vs.** ***State of M.P. and others***[2], the Madhya Pradesh Administrative Tribunal, Gwalior Bench, while considering the circular dated 1-3-1999, wherein it is provided that the Assistant Teachers, who have acquired B.Ed. Degree at their own cost between 23-10-1964 and 7-5-1973 shall be entitled to two advance increments, relied on decision in the case of *Rakesh Kumar Shrivastava vs. State of M.P. and others* passed in Original Application No.1632 of 1999, decided on 12-10-1999, wherein it is observed that the circular dated 1-3-1999 cannot be made applicable retrospectively. Thus, a Teacher, may be Assistant Teacher, who has obtained B.Ed. Degree before 1-3-1999 is entitled to two advance increments.

7. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No.1999 of 2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1-3-1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers, who have obtained B.Ed./B.T.I. Certificates before 1-3-1999. It is further substantiated by a circular dated 17-10-2003 issued by the present State of Madhya Pradesh, wherein the circular clearly states about the decision of the Hon'ble Supreme Court.

8. Learned counsel appearing for the petitioners further submit that the facts and question of law involved in the present cases are squarely covered by the decision of this Court in the case of *Yashwant Kumar Bharadwaj* (Supra), to which learned counsel appearing for the State/respondents fairly concedes and agrees with the averments made by learned counsel appearing for the petitioners.

9. In the event, the D.Ed. Certificate holders are equal to the B.T.I. Certificate holders, they are entitled to the same relief as is granted to the candidates who had obtained B.Ed./B.T.I. Certificates on their own expenses as per the circulars dated 24-12-1998 and 1-3-1999, in terms of the orders passed in the case of *Yashwant Kumar Bharadwaj* (Supra).

10. Accordingly, the writ petitions are disposed of in terms of the decision of this Court in the matter of *Yashwant Kumar Bharadwaj* (Supra), subject to verification of the fact as to whether the petitioners have acquired B.Ed./B.T.I./D.Ed. Certificates at their own expenses as per the circulars dated 24-12-1998 and 1-3-1999 and further whether they have been paid two advance increments or not. No order as to costs.

11. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

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1 2006 (II) MPJR-CG 96

2 2000 (1) M.P.L.S.R. 136

Gopal